

## **II. Acknowledgement of Allowable Subject Matter**

Applicant thanks the Examiner for the acknowledgement of allowable subject matter in claims 3, 6, 9, 12, and 15-19. Claims 3, 6, 9, 12, and 15-19 have been objected to as being dependent upon a rejected base claim.

## **III. 35 U.S.C. § 103(a) Rejection**

Claims 1, 2, 4, 5, 7, 8, 10, 11, 13, and 14 have been rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 4,060,306 to Swaminathan in view of U.S. Patent No. 5,701,475 to Sugawara. Applicant respectfully traverses this rejection, and reconsideration is respectfully requested.

The Examiner states that Swaminathan discloses an achromatic aplanatic condenser including an aperture stop P; a first lens group I with an overall positive refractive power, a first lens with a positive refractive power, and a second lens with a negative refractive power; a second lens group II with an overall positive refractive power and a third lens with a positive refractive power; and a third lens group III with an overall positive refractive power and a fourth lens with a positive refractive power.

The Examiner states that Swaminathan does not disclose a third and fourth lens with an aspherical surface on at least one of an object side surface and an image plane side surface. However, the Examiner states that Sugawara's eyepiece lens discloses three lens groups E1, E2, and E3 each having positive refractive power, wherein one of the lens surfaces in one of the lens groups is aspherical. The Examiner contends that it would have been obvious, in view of Sugawara, to modify Swaminathan's achromatic aplanatic condenser to provide an aspherical surface on at least one of the object side surface and an image place side surface of the third and fourth lens to weaken the refractive power in the marginal zone of the lens to correct field curvature.

However, the present invention, as set forth in the claims, is directed to a photographic lens. As stated on page 1, lines 12-13, of the present Specification, the photographic lens can be used "with imaging elements such as CCDs... for capturing video such as with monitoring cameras." A condenser, such as Swaminathan's achromatic aplanatic condenser, is typically used to gather light from a microscope light source and concentrate it to illuminate a specimen, which is a completely different function than the function provided by a photographic lens. Microscope lenses are used to see a limited field of view, and therefore, their angles of view are narrow (Swaminathan, column 1, line 11). On the other hand, photographic lenses, such as the lens of the claimed invention, cover a wider and broader field of view.

Furthermore, eyepiece lenses for microscopes, such as Sugawara's eyepiece lens, also provide a completely different function than the function provided by a photographic lens. An eyepiece lens produces a lower quality image than a photographic lens, and therefore, an eyepiece lens is not used for recording images.

A person of ordinary skill in the art would not modify a condenser for providing illumination from a microscope light source, as taught by Swaminathan, based on the teachings of an eyepiece lens for viewing an object through a microscope, as taught by Sugawara, since each element performs different functions. Furthermore, the Examiner is using a combination of the condenser and the eyepiece lens to produce a photographic lens, which provides a totally different function than either the condenser or the eyepiece lens. Therefore, Applicant respectfully contends that the Examiner is improperly using hindsight to reconstruct the present invention by picking and choosing among different references.

Hence, there is no motivation to combine Swaminathan and Sugawara or to use the teachings of Swaminathan or Sugawara to obtain the present invention, and a *prima facie* case of obviousness has not been established.

Based on the foregoing, the rejections of claims 1, 2, 4, 5, 7, 8, 10, 11, 13 and 14 under 35 U.S.C. § 103(a) should be withdrawn, and reconsideration is respectfully requested.

**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By Denise L. Poy  
Denise L. Poy  
Registration No.: 53,480

DARBY & DARBY P.C.  
P.O. Box 5257  
New York, New York 10150-5257  
(212) 527-7700  
(212) 753-6237 (Fax)  
Attorneys/Agents For Applicants